

OHRNET

SHABBAT PARSHAT MISHPATIM · 29 SHVAT 5770 · FEB. 13, 2010 · VOL. 17 NO. 18

PARSHA INSIGHTS

SURFACE TENSION

“We will do and we will obey.” (24:7)

The Midrash tells us that before the Jewish People accepted the Torah, G-d offered it to all the other nations one by one and they rejected it. He offered it to the nation of Esav. Esav asked what was in it. G-d said “You mustn’t murder.” “We live by our sword”, was their reply. G-d offered it to Yishmael. They too asked G-d what was in it. “Don’t commit adultery.” So Yishmael also turned it down; it wasn’t congruent with their lifestyle. Finally G-d offered the Torah to the Jewish People and they said, “We’ll do and we’ll hear.”

There’s something about this Midrash that is hard to understand. All those nations who rejected the Torah now have laws against murder, adultery and many other of the Torah’s societal laws. If those very nations incorporated these statutes into their legal systems, why was the Torah so difficult for them to accept? Seemingly, the Torah required no more of them than that to which they subsequently committed themselves.

The Talmud tells us that when we embarrass someone it’s as though we killed him. This is evidenced by the blood draining from his face. The Talmud also tells us that staring at a woman with lustful intent is in itself an act of gross indecency.

Behind the surface of each commandment, there is a subtlety and depth that demands a great deal of a person. For the Torah is not just a dry legal system — it’s the handbook of holiness in this world.

That’s what these nations couldn’t accept. When they realized that the Torah connoted infinitely more than its surface appearance, they turned it down.

• Source: Rabbi Yitzchak Ruderman, heard from Rabbi Reuven Buckler.

May this Torah thought bring merit to the soul of Yaakov Yisrael, zatzal ben Reuven, Shlita Buckler, who passed away tragically this week.

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PARSHA OVERVIEW

The Jewish People receive a series of laws concerning social justice. Topics include: Proper treatment of Jewish servants; a husband's obligations to his wife; penalties for hitting people and for cursing parents, judges and leaders; financial responsibilities for damaging people or their property, either by oneself or by one's animate or inanimate property, or by pitfalls that one created; payments for theft; not returning an object that one accepted responsibility to guard; the right to self-defense of a person being robbed.

Other topics include: Prohibitions against seduction; witchcraft, bestiality and sacrifices to idols. The Torah warns us to treat the convert, widow and orphan with dignity, and to avoid lying. Usury is forbidden and the rights over collateral are limited. Payment of obligations to the Temple should

not be delayed, and the Jewish People must be holy, even concerning food. The Torah teaches the proper conduct for judges in court proceedings. The commandments of Shabbat and the Sabbatical year are outlined. Three times a year — Pesach, Shavuot and Succot — we are to come to the Temple. The Torah concludes this listing of laws with a law of kashrut — not to mix milk and meat.

G-d promises that He will lead the Jewish People to the Land of Israel, helping them conquer its inhabitants, and tells them that by fulfilling His commandments they will bring blessings to their nation. The people promise to do and listen to everything that G-d says. Moshe writes the Book of the Covenant, and reads it to the people. Moshe ascends the mountain to remain there for 40 days in order to receive the two Tablets of the Covenant.

ISRAEL Forever

LOOKING AT OUR ROOTS

“To what extent do we want to adopt the values of foreign societies?” This is the rhetorical question which Israel's Justice Minister Yaakov Neeman posed during a recent symposium entitled “Jewish Law and Israeli Law” held at the Interdisciplinary Center in Herzlia.

The distinguished legalist, who is a cabinet minister

without being a Knesset Member, also asked his audience to consider whether we do not have an alternative world of values.

“Consulting with Jewish law,” he suggested, “will enable us to look at our ethical and cultural roots.”

A look that will safeguard Israeli society forever.

LOVE OF THE LAND - THE PLACES

Selections from classical Torah sources which express the special relationship between the People of Israel and Eretz Yisrael

ELAH VALLEY – AN ARCHEOLOGICAL TREASURE

A pottery shard discovered at archeological excavations at a site near the Elah Valley is believed to date back to the reign of King David.

A mysterious inscription written in ink on a 15 centimeter by 16.5-centimeter pottery shard is believed by Prof. Gershon Galil of the Department



of Biblical Studies at Haifa University to be Hebrew lettering written some three millennia ago.

The deciphering of the ancient script was based on its use of verbs particular to the Hebrew language. The deciphered text seems to be a social statement relating to the treatment of widows, orphans and slaves.

לע"נ

הבחור יעקב ישראל ז"ל בן יב"ח הרב ראובן שליט"א

ת.נ.צ.ב.ה.

OHRNET magazine is published by OHR SOMAYACH Tanenbaum College

POB 18103, Jerusalem 91180, Israel • Tel: +972-2-581-0315 • Email: info@ohr.edu • www.ohr.edu

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PARSHA Q&A ?

1. In what context is a *mezuzah* mentioned in this week's parsha?
2. What special mitzvah does the Torah give to the master of a Hebrew maidservant?
3. What is the penalty for wounding one's father or mother?
4. "A" intentionally hits "B." As a result, B is close to death. Besides any monetary payments, what happens to A?
5. What is the penalty for someone who tries to murder a particular person, but accidentally kills another person instead? Give two opinions.
6. A slave goes free if his master knocks out one of the slave's teeth. What teeth do not qualify for this rule and why?
7. An ox gores another ox. What is the maximum the owner of the damaging ox must pay, provided his animal had gored no more than twice previously?
8. From where in this week's parsha can the importance of work be demonstrated?
9. What is meant by the words "If the sun shone on him"?
10. A person is given an object for safe-keeping. Later, he swears it was stolen. Witnesses come and say that in fact he is the one who stole it. How much must he pay?
11. A person borrows his employee's car. The car is struck by lightning. How much must he pay?
12. Why is lending money at interest called "biting"?
13. Non-kosher meat, "*treifa*," is preferentially fed to dogs. Why?
14. Which verse forbids listening to slander?
15. What constitutes a majority-ruling in a capital case?
16. How is Shavuot referred to in this week's parsha?
17. How many prohibitions are transgressed when cooking meat and milk together?
18. What was written in the *Sefer Habrit* which Moshe wrote prior to the giving of the Torah?
19. What was the *livnat hasapir* a reminder of?
20. Who was Efrat? Who was her husband? Who was her son?

PARSHA Q&A!

Answers to this Week's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 21:6 - If a Hebrew slave desires to remain enslaved, his owner brings him "to the doorpost *mezuzah*" to pierce his ear.
2. 21:8,9 - To marry her
3. 21:15 - Death by strangulation.
4. 21:19 - He is put in jail until "B" recovers or dies.
5. 21:23 - 1)The murderer deserves the death penalty. 2)The murderer is exempt from death but must compensate the heirs of his victim.
6. 21:26 - Baby teeth, which grow back.
7. 21:35 - The full value of his own animal.
8. 21:37 - From the "five-times" penalty for stealing an ox and slaughtering it. This fine is seen as punishment for preventing the owner from plowing with his ox.
9. 22:2 - If it's as clear as the sun that the thief has no intent to kill.
10. 22:8 - Double value of the object.
11. 22:14 - Nothing.
12. 22:24 - Interest is like a snake bite. Just as the poison is not noticed at first but soon overwhelms the person, so too interest is barely noticeable until it accumulates to an overwhelming sum.
13. 22:30 - As "reward" for their silence during the plague of the first-born.
14. 23:1 - Targum Onkelos translates "Don't bear a false report" as "Don't receive a false report".
15. 23:2 - A simple majority is needed for an acquittal. A majority of two is needed for a ruling of guilty.
16. 23:16 - *Chag Hakatzir* — Festival of Reaping.
17. 23:19 - One.
18. 24:4,7 - The Torah, starting from Bereishet until the giving of the Torah, and the *mitzvot* given at Mara.
19. 24:10 - That the Jews in Egypt were forced to toil by making bricks.
20. 24:14 - Miriam, wife of Calev, mother of Chur.

- How many judges are needed for every sort of case
- The differences between judgment of damages and of debts
- The source for the need of three judges in financial cases
- Following the written meaning of Torah terms or their pronunciation
- Who is qualified to serve as a single judge
- The need to receive authorization to serve as a judge
- What status does a court of two judges have
- What sort of mistaken judgment is reversible
- The positive and negative aspects of compromise
- Wise folk sayings and their parallels in biblical sources
- The good judges and the bad ones
- How a good judge should view himself and his responsibility
- Judgment of damage done by ox and the crime of slandering a wife

FIRST COMES FIRST

When Moshe appointed judges for his people he instructed them that they must give a hearing to minor matters as well as major ones (*Devarim* 1:17). Rabbi Shimon ben Lakish interprets this as an order to respect the judgment involving only a *prutah* – the smallest coin – as much as one involving very large sums.

This cannot simply mean that there is a need to carefully examine even a minor matter and render a proper judgment, for this is obviously a basic requirement of justice. The conclusion, therefore, is that if a matter involving only a *prutah* comes before the court before a matter involving much money, the court has no right to give precedence to the latter because of the larger amount involved.

Maharsha raises the question as to why even such instruction is necessary since the minor case came first.

His explanation is based on the rule that a judge may receive compensation if it is obvious that the time he spends in judging is at the expense of the livelihood he could earn from another pursuit in the same time. Since the litigants would have to provide this compensation (in equal fashion and when such compensation is not provided by the community), there would be a temptation to give precedence to the case involving serious money so that there is enough at stake to make compensation to the judges possible, which is not so when only a tiny sum is at stake. To rule out such a consideration, Moshe told his judges that “first comes first” regardless of the amount involved.

• *Sanhedrin 8a*

What the SAGES Say

“A judge who judges in true fashion causes G-d’s Presence to rest in Israel.”

Rabbi Shmuel bar Nachmeni in the name of Rabbi Yonatan - Sanhedrin 7a

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MYRIAD MITZVOT

From: Sandra

*Dear Rabbi,
As a Jew, I find the beliefs, morals and customs of Judaism meaningful and generally relevant. However, what I find hard to accept is the many laws which are so hard to keep and intrusive. Why does it have to be this way?*

Dear Sandra,

It is very nice that you find meaning in Judaism and its customs. That is a very good starting point.

However, regarding your question: Do you mean to ask why the laws are so numerous and intrusive, or why you find them to be this way?

Now, of course, I understand what you intended to ask. But my question intends to show you that while G-d's requirements are absolute, the way we view our obligation is relative. Let me explain.

The first and most direct answer to why we are bound by "so many" laws is simply because G-d said so, period. That is an immutable absolute, but it is not arbitrary.

It makes perfect sense that there should be rules. Rules assure that things work for the best collective and individual good. We all ascribe to such rules as members of clubs, teams, organizations, companies/firms, states, countries and society. By and large, we understand and accept that the better one keeps to the rules and the more the system runs according to them, the better it is for everybody. For that reason, not only are we generally happy to keep the rules, we usually become indignant when others don't. That's how serious we take rule taking.

A typical example is waiting in line. When there's a number system and people keep to the order, everyone's calm and patient while spending the time constructively till their turn arrives, which the system ensures will be as soon as possible. But if someone jumps the line, or worse yet, if there is no line, havoc breaks out, people waste their time arguing and the chaos results in the whole thing taking longer than if folks would just follow rules.

But what's the guy who's skipping the line thinking? His take is, "I don't care what other folks are here for, or what I have to do with them – I'm only interested in taking care of what I want and need." And in truth, what's wrong with that position? In a very basic sense, it seems to make sense, right?

The answer should be obvious to someone like yourself who finds the beliefs and mores of Judaism meaningful: We are interested in why others are here, what we have to do with them and how what we do or don't do affects ourselves and others. And we are willing and even eager to forgo our own self-interested wants and needs to ensure the good of all, which ultimately includes our own good as well.

Since this is basically our approach regarding keeping the laws of any of the groups mentioned above, it should certainly be our approach regarding the G-d-given laws which are certainly designed with the greatest good in mind for all – even if we don't understand how and why all of those laws are beneficial.

Still, at the end of the day, practically speaking, there are not that many *mitzvot* to keep. And while some may seem intrusive, they provide tremendous practical, emotional, intellectual and spiritual rewards that become clear to one who has invested the time and effort to understand them.

Of the 613 *mitzvot*, many simply do not apply because they relate to specific conditions such as the Temple, agriculture, livestock, tribal affiliation or are gender-specific. Those that do apply are often only infrequent such as mezuzah or circumcision, which are performed only once in a while (in the case of latter, let's hope only once!). Those that apply more regularly are things which every human should be doing regularly anyway like giving charity, performing acts of kindness, refraining from theft, slander, lying, immorality, idolatry, etc.

So after all, the things that Judaism requires of Jews on a regular basis, beyond their basic obligations as human beings, are keeping kosher, prayer, Torah study, Shabbat/holidays, and family purity. I suggest you focus on learning about and practicing these and I'm sure that you'll find them not difficult and intrusive but rather meaningful and liberating. And regarding all of the *mitzvot*, consider the teaching, "G-d wanted to increase merit and reward for the Jewish People, and for this reason He commanded them to learn Torah and perform the *mitzvot*."

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THE UNANSWERED QUESTION

Question: As one who often attends public lectures on Jewish topics, I like to take advantage of the questions and answers session which usually follows the lecture to ask the speaker about something which bothers me. The response sometimes is "I will answer that question in private." The trouble is that, upon concluding, the speaker is surrounded by people congratulating him, and I don't get a chance to hear his answer. What is the right thing to do?

Answer: First of all, you must appreciate that the speaker is not trying to brush aside your question but feels that his answer is not for public consumption because of its sensitive nature. He is probably sincere in his promise to answer you in private and telephoning him at his home or office will afford you the opportunity to hear what he has to say.

THE HUMAN SIDE OF THE STORY _____

RECIPE FOR A HAPPY MARRIAGE

Couples in the Orthodox community have a better chance of enjoying a happy marriage than those in the general community.

This is the conclusion of a recent survey conducted by the Aleinu Family Resource Center in California.

"Very good" or "excellent" was what 72 percent of Orthodox men said to surveyors about their marriage, and 74 percent of Orthodox women echoed this

response. By comparison 62.9 percent of men and 59.5 percent of women in the general population reported that their marriages are happy.

Commenting on these findings, one expert suggested that the success of Orthodox marriages was due to a shared vision of life, the observance of Jewish purity laws, and a more realistic expectation of marriage.

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